

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven A. Bogen and Herbert H. Loeffler

Continuation-in-Part Application of

Application No.: 09/702,298

Filed: October 31, 2000

For: SLIDE STAINER WITH HEATING

Date: 4-12-04

EXPRESS MAIL LABEL NO. EV214952302US

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:  
☐ a Statement under 37 CFR 1.97(e), as checked below, or  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:  
☐ a Statement under 37 CFR 1.97(e), as checked below, and  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☒ Copies of the cited references are enclosed except those entered in prior applications, U.S. Application Nos. 09/702,298 and 09/205,945, to which priority under 35 U.S.C. 120 is claimed. [The earlier applications contain copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

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Examiner

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Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By \_\_\_\_\_

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Concord, MA 01742-9133

Dated: 4/9/4

PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>April 12, 2004</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 1159.1004-006		CIP OF APPLICATION NO. 09/702,298	
	FIRST NAMED INVENTOR Steven A. Bogen		FILING DATE	
	EXAMINER	CONFIRMATION NO.	GROUP	

U.S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	3,164,304	01-05-1965	Jager et al.
	AB	3,768,704	10-30-1973	Beguin
	AC	3,850,190	11-26-1974	Carlson
	AD	3,853,092	12-10-1974	Amos et al.
	AE	3,955,930	05-11-1976	Shapiro
	AF	4,043,292	08-23-1977	Rogers et al.
	AG	4,092,952	06-06-1978	Wilkie et al.
	AH	4,095,722	06-20-1978	Miller
	AI	4,130,224	12-19-1978	Norman et al.
	AJ	4,141,474	02-27-1979	Nilson
	AK	4,220,285	09-02-1980	Gualdi
	AA2	4,224,032	09-23-1980	Glover et al.
	AB2	4,268,226	05-19-1981	Morris
	AC2	4,334,640	06-15-1982	van Overbruggen et al.
	AD2	4,358,470	11-09-1982	Rasmussen
	AE2	4,526,294	07-02-1985	Hirschmann et al.
	AF2	4,537,561	08-27-1985	Xanthopoulos
	AG2	4,543,236	09-24-1985	von Gise
	AH2	4,690,005	09-01-1987	Tervamaki et al.
	AI2	4,699,300	10-13-1987	Blake
	AJ2	4,731,335	03-15-1988	Brigati
	AK2	4,741,259	05-03-1988	Ogata, et al.
	AA3	4,760,939	08-02-1988	Ball et al.
	AB3	4,764,342	08-16-1988	Kelln et al.
	AC3	4,798,580	01-17-1989	DeMeo, et al.
	AD3	4,824,337	04-25-1989	Lindner, et al

EXAMINER	DATE CONSIDERED
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	AE3	4,838,887	06-13-1989	Idriss
	AF3	4,844,868	07-04-1989	Rokugawa
	AG3	4,846,636	07-11-1989	Danby et al.
	AH3	4,846,797	07-11-1989	Howson et al.
	AI3	4,847,208	07-11-1989	Bogen
	AJ3	4,933,146	06-12-1990	Meyer et al.
	AK3	4,967,940	11-06-1990	Blette et al.
	AA4	4,974,754	12-04-1990	Wirz
	AB4	4,985,206	01-15-1991	Bowman et al.
	AC4	5,049,359	09-17-1991	Azuma et al.
	AD4	5,073,504	12-17-1991	Bogen
	AE4	5,100,030	03-31-1992	Roggenburg, Jr. et al.
	AF4	5,154,889	10-13-1992	Muraishi
	AG4	5,231,029	07-27-1993	Wooton et al.
	AH4	5,232,664	08-31-1993	Krawzak et al.
	AI4	5,246,665	09-21-1993	Tyranski et al.
	AJ4	5,273,905	12-28-1993	Muller et al.
	AK4	5,316,452	05-31-1994	Bogen et al.
	AA5	5,320,845	06-14-1994	Py
	AB5	5,425,918	06-20-1995	Healey et al.
	AC5	5,439,649	08-08-1995	Tseung et al.
	AD5	5,475,610	12-12-1995	Atwood et al.
	AE5	5,551,487	09-03-1996	Gordon et al.
	AF5	5,595,707	01-21-1997	Copeland et al.
	AG5	5,645,114	07-08-1997	Bogen et al.

EXAMINER	DATE CONSIDERED
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**April 12, 2004**

(Use several sheets if necessary)

FIRST NAMED INVENTOR  
Steven A. Bogen

**CIP OF APPLICATION NO.**  
**09/702,298**

FILING DATE

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CONFIRMATION NO.

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## U.S. PATENT DOCUMENTS

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EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>April 12, 2004</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. <b>1159.1004-006</b>	CIP OF APPLICATION NO. <b>09/702,298</b>	
	FIRST NAMED INVENTOR <b>Steven A. Bogen</b>		FILING DATE
	EXAMINER	CONFIRMATION NO.	GROUP

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AL	EP 0 201 780	11-20-1986	Hastka		
	AM	WO 94/29187	12-22-1994	Nilson		
	AN	EP 0 167 274	01-08-1986	Cartwright		
	AO	EP 0 268 237	05-25-1988	Abbott Laboratories		
	AP					
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	FIRST NAMED INVENTOR Steven A. Bogen		FILING DATE	
	EXAMINER	CONFIRMATION NO.	GROUP	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	AR	Brochure, IDX 2000 Automated Immunohistochemistry System, Immunodiagnostics, Inc., 1990, 4 pages.
	AS	Strose, W.P., et al., "Automation of APAAP Immunocytochemical Technique," <i>J. Clin. Pathol.</i> , 42:106-112 (1989).
	AT	Stark, E., et al., "An Automated Device for Immunocytochemistry," <i>Journal of Immunological Methods</i> , 107:89-92 (1988).
	AU	MaWhinney, W.H.B., et al., "Automated Immunochemistry," <i>J. Clin. Pathol.</i> , 43(7):591-596 (1990).
	AV	"The Complete Immunoperoxidase System," IMMULOK, advertisement, 1 page.
	AW	
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